

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

CHERYL A. COLEMAN,

Plaintiff,

vs.

MICHAEL J. ASTRUE, Commissioner of  
the Social Security Administration,

Defendant.

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4:08CV3198

MEMORANDUM AND ORDER

Defendant has filed a Motion to Reverse and Remand (Doc. 20) because the record is incomplete, precluding proper judicial review. The motion is unopposed.

**IT IS ORDERED** that defendant's Motion (Doc. 20) is granted, as follows:

1. The final decision of the Commissioner is reversed, and this matter is remanded pursuant to sentence four of section 205(g), 42 U.S.C. § 405(g)<sup>1</sup>, for a *de novo* hearing before an Administrative Law Judge. The Administrative Law Judge shall conduct a *de novo* hearing and issue a new decision. Plaintiff shall be afforded the opportunity to appear and present new evidence at the hearing.

2. Judgment will be entered separately pursuant to Fed. R. Civ. P. 56.

**DATED May 29, 2009.**

**BY THE COURT:**

s/ F.A. Gossett  
United States Magistrate Judge

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<sup>1</sup>Sentence four of 42 U.S.C. § 405(g) provides: "The court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing."